

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MARCI WEBBER

Plaintiff

v.

STATE OF ILLINOIS, et al.,

Defendant

Case Number: 1:20-cv-07807

Judge: Hon. Charles R. Norgle, Sr

NOTICE OF MOTION

TO: Courtroom Deputy Christina Presslak

Marci Marie Webber

State of Illinois

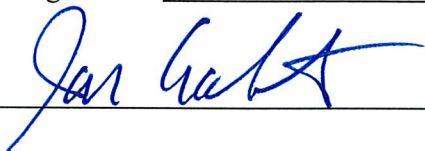
PLEASE TAKE NOTICE that on 8/15/22 motion was sent _____, or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Charles R. Norgle, Sr or any judge sitting in his or her stead in **Courtroom** 2341 of the U.S. District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago, Illinois and shall present **the following motion attached hereto:**

Motion for Leave to Withdraw as Counsel

CERTIFICATE OF SERVICE

I hereby certify that on 8/15/22, I provided service to the person or persons listed above by the following means: Mail or electronic mail to the attached service list

Signature: _____



Date: 8/15/22

Name (Print): James J. Eccleston

Address: Eccleston Law, LLC

Phone: 312-332-0000

55 West Monroe Street, Suite 610

Chicago, IL 60603

SERVICE LIST

Christina Presslak via email to Christina_Presslak@ilnd.us courts. gov (Courtroom Deputy Room 2338A)

Amanda Leigh Kozar via email to amanda.kozar@ilag.gov

Marci Webber via overnight U.S. Mail to 4200 N. Oak Park Avenue, Chicago, IL, 60634

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

MARCI WEBBER,

Plaintiff,

vs.

STATE OF ILLINOIS, et al.,

Defendants.

CASE NO.: 1:20-cv-07807

Honorable Charles R. Norgle, Sr.

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL AND FOR EXTENSION OF
TIME TO FILE SECOND AMENDED COMPLAINT**

James J. Eccleston, Esquire of Eccleston Law, LLC, current court appointed counsel for Plaintiff, Marci Webber, moves for leave to withdraw as counsel and extension of time to file second amended complaint in this matter and states:

1. One July 28th, 2022, the undersigned counsel was court appointed to represent Ms. Webber in this instant matter.
2. The undersigned has reviewed all previous pleadings and docket entries.
3. At this time, undersigned counsel believes that he has reached an impasse in his representation of Ms. Webber, and respectfully seek leave of Court to withdraw his appearances in this matter.
4. Specifically, undersigned counsel has received numerous voice messages from Ms. Webber insisting on a strategy, courses of action, causes of action and potential defendants that undersigned counsel do not believe have a basis in law or in fact.
5. Undersigned counsel has provided written notice of the unviability of such a strategy, courses

of action and causes of action to Ms. Webber, but she continues to insist.

6. Additionally, Ms. Webber's nearly daily voice messages have become increasingly animated, if not antagonistic, towards counsel.

7. Further, the undersigned maintains a legal practice narrowly focused on investor rights representation and representation of financial industry professionals in securities regulatory matters.

8. The undersigned has no experience or competence in civil rights claims, medical malpractice claims or personal injury claims.

9. After an initial discussion with Ms. Webber in which appointed counsel disclosed the foregoing limitations to Ms. Webber, she requested that the undersigned counsel advise the Court to counsel's lack of experience and competence and requested that the Court appoint an attorney with more relevant experience and competence.

10. Also during that initial discussion, Ms. Webber gave counsel authority to extend a settlement offer.

11. On August 8th, 2022, the undersigned counsel sent Ms. Webber's settlement offer to opposing counsel. To date there has been no response.

12. Local Rule 83.38 of the U.S. District Court for the Northern District of Illinois Eastern Division requires that an appointed attorney promptly move to withdraw where either:

(3) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party. [or]

(5) In counsel's opinion, the party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.

13. Undersigned counsel believe that such circumstances are present here and that he can no longer continue with representation of Ms. Webber.

14. Local Rule 83.17 provides that:

An attorney who has filed an appearance form pursuant to LR 83.16 is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may any other attorney file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these rules a member of the trial bar is acting as a supervisor or is accompanying a member of the general bar, the trial bar member included in the appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Where an attorney withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form Notification of Party Contact Information must be electronically filed as an attachment to the motion to withdraw.

15. Undersigned counsel has sent written notice on his intent to withdraw to Ms. Webber.
16. A copy of this Court's Notification of Party Contact Information Form (per Local Rule 83.17) is attached hereto as **Exhibit A** setting forth Ms. Webber's contact information to the best of undersigned counsel's knowledge and belief.
17. Separately, the Court Order dated July 26th, 2022, orders the filing of the second amended complaint within 21 days of the designation of new counsel.
18. The current deadline to file the second amended complaint is on or before August 18th, 2022.
19. Because Ms. Webber will need time to appear or obtain new counsel, it is respectfully requested that the August 18th, 2022 deadline be stayed or extended.
20. The motion is not made for the purpose of delay and is made in good faith.

Wherefore, James J Eccleston, respectfully request leave to withdraw as counsel for Plaintiff, Marci Webber, and for an extension of time for Ms. Webber to file her second amended complaint.

Respectfully submitted:

/s/James J. Eccleston
James J. Eccleston
For Plaintiff, Marci Webber

James Joseph Eccleston

Eccleston Law LLC

55 W Monroe St, Suite 610

Chicago, IL 60603

312-332-0000

Email: jeccleston@ecclestonlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was filed through the ECF system which will cause the foregoing document to be served on all counsel of record and sent by overnight U.S. Mail to Marci Webber.

Date: 8/15/22

/s/ James J. Eccleston
James J. Eccleston

06/12/15

**United States District Court
Northern District of Illinois**

Notification of Party Contact Information

Directions: This form must be attached to a motion to withdraw from a case when no other attorney of record has been noted on the docket. A completed form must be electronically filed as an attachment to the motion to withdraw. The address and telephone number of your client must be completed on this form to enable the Court to contact your client in the future if the motion to withdraw is granted.

Case Number: 1:20-cv-07807

Case Title: Webber v. Illinois et al.

Judge: Norgle

Name of Attorney submitting the motion to withdraw:

James J. Eccleston

Name of Client:

Marci Webber

Mailing address of Client: 4200 N. Oak Park Avenue

City: Chicago

State: Illinois

Zip: 60634

Telephone Number: 773-794-4038

I attest that the above information is true and correct to the best of my knowledge.

Signed: _____



Date: 8/15/22